United States District Court

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NORTHERN	DISTRICT OF	C	ALIFORNIA UN 1 9 2007
UNITED STATES OF AMERIC	CADORIGIN	Venue: SAN FRAN	CLERK, U.S. DISTRICE
VICTOR MATA PERI a/k/a juan manuel figueroa i	EZ	CRIMINAL	COMPLAINT 3.07 70349 BZ
(Name and Address of Defendant)		CASE NUMBER:	BZ
I, the undersigned complainant being	duly sworn, state	the following is true	e and correct to the best of my
knowledge and belief. On or about	June 18, 2007 in	San Francisco Cour	nty, in the Northern District o
California defendant(s) did, falsely and v	willfully represent	himself to be a citize	n of the United States,
in violation of Title 18 United States	S Code, Section 91	1 False Claim to Uni	ted States Citizenship.
	,		
I further state that I am an Officer with t	he U.S. Departmer	nt of Homeland Secur	rity, Bureau of Customs and
Border Protection, and that this complain	nt is based on the f	following facts:	
See attached Affidavit in Support of C	Criminal Complai	nt	
Maximum Penalties: Title 18 U.S.C., Section 911: Three years of Imprisonment; \$250,000 APPROVED AS TO FORM: Derek Owens, SA	h	supervised release; an	d a \$100 special assessment fee.
Continued on the attached sheet and made	de a part hereof: D	ĭ Yes □ No	
Warrant of Arrest Requested: Bail Amount:	Yes ⊠ No	ignature of Complainant, J	Vanet Bailey
Sworn to before me and subscribed in r		.gaarar o cr companion, c	
June 20, 2007 Date		San Francisco, Ca	<u>difornia</u>
Bernard Zimmerman United States Magistrate Judge		eman !	maine
Name & Title of Judicial Officer		Signature of Judicial Office	ir

UNITED STATES DISTRICT COURT)	
)	ss. AFFIDAVIT
NORTHERN DISTRICT OF CALIFORNIA)	

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT CHARGING VICTOR MATA PEREZ WITH VIOLATING 18 U.S.C. § 911, FALSE CLAIM TO UNITED STATES CITIZENSHIP

I, Janet A. Bailey, do swear and affirm as follows,

Affiant Background

1. I am an Enforcement Officer (EO) with the United States Department of Homeland Security, Bureau of Customs and Border Protection (CBP). I have been employed with CBP since March 1, 2003. Previously, I was employed as an Immigration Inspector with the United States Department of Justice, Immigration and Naturalization Service, beginning in June 2, 2002. My duties include the investigation and prosecution of violations of the Immigration and Nationality Act, and related criminal immigration statutes that occur at the ports of entry in the San Francisco District (including San Francisco International Airport, where I am stationed). I am familiar with the provisions of criminal statues pertaining to immigration violations, including 18 U.S.C. § 911.

Purpose of Affidavit

- 2. This affidavit is being made in support of a complaint against Victor MATA PEREZ ("MATA PEREZ"), for violation of Title 18 United States Code § 911, False Claim to United States Citizenship, which states: "Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both." MATA PEREZ did falsely and willfully represent himself to the customs official at San Francisco International Airport as Juan Manuel FIGUEROA RUIZ ("FIGUEROA RUIZ"), a citizen of the United States.
- 3. This affidavit is based in part on personal knowledge, interviews, and reviews of official documents and records and does not contain every fact, piece of information, or evidence concerning this alleged violation.

Case Facts and Evidence

4. On June 18, 2007, MATA PEREZ, the subject, arrived at the San Francisco International Airport from Mexico via United Air flight 820. The subject presented a United States passport, number 403174495, and signed Customs Declaration Form 6059B. The above documents were in the name of Juan Manuel FIGUEROA RUIZ, with a date of birth of October 31, 1973.

- 5. The subject was referred to Secondary Inspections for further questions regarding his nationality by Primary CBP Officer (CBPO) Hernandez-Falliner. In Secondary Inspection, presenting the United States passport to Officer Jason Johnson, the subject claimed to be a citizen of the United States, born in Puerto Rico on October 31, 1973. A fingerprint query of the subject was made in the Automated Biometric Identification System (IDENT) which resulted in a match to a previous entry under the name of Victor MATA PEREZ. When confronted with this information, the subject admitted his true identity is MATA PEREZ.
- 6. Subject was administratively interviewed by CBPO Johnson in Passport Control Secondary. Subject stated that his true name was Victor MATA PEREZ and that he was born in Mexico and that he was a citizen of Mexico. He stated that he had found the Puerto Rican Birth Certificate and Social Security Card in the name of FIGUEROA RUIZ in North Carolina. He further stated that he applied for and was issued a United States passport in the name of FIGUEROA RUIZ.
- 7. On June 18, 2007, I read the subject his Miranda Rights. The subject acknowledged and waived his Miranda Rights and made the following statements before myself and CBPO Johnson:
 - a. His name is Victor MATA PEREZ;
 - b. He is a citizen and national of Mexico;
 - c. He was born on October 31, 1975;
 - d. He found the United States Birth Certificate and Social Security Card in the name of Juan Manuel FIGUEROA RUIZ in North Carolina in 2003;
 - e. He used the birth certificate to obtain a North Carolina Identification Card, 28585119, bearing his photo, in the name of FIGUEROA RUIZ;
 - f. He applied for and was issued a U.S. passport using the North Carolina ID card and United States Birth Certificate in the name of FIGUEROA RUIZ;
 - g. He knew that it was illegal for him to apply for the identification card and United States passport using the birth certificate that he found;
 - h. He knew that is was illegal for him to use the identification card and United States passport, but used anyway to facilitate his entry into the United States;
 - i. He has never filed for a legal name change anywhere in the world.

Conclusion

8. I respectfully submit that the above presented facts establish probable cause to believe that Victor MATA PEREZ did knowingly and willfully claim United States citizenship when he presented a false United States passport in the name of Juan Manuel FIGUEROA RUIZ to Customs and Border Protection officers at the San Francisco International Airport in violation of Title 18, United States Code, Section 911, False Claim to United States Citizenship, while in the Northern District of California.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

> Janet A. Bailey **CBP** Officer

U.S. Bureau Customs and Border Protection

U.S. Department of Homeland Security

SWORN AND SUBSCRIBED TO BEFORE ME THIS / 7 DAY OF JUNE 2007,

THE HONORABLE BERNARD ZIMMERMAN

United States Magistrate Judge Northern District of California